

FILED

April 14, 1988

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ATTORNEY GENERAL OF NEW JERSEY

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of the License of :
NORMAN SIMKINS, D.C. :
To Practice Chiropractic in the :
State of New Jersey :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey Board of Medical Examiners upon review of advertising issued by respondent. Respondent appeared before the Executive Committee of the Board on December 30, 1987 represented by Alfred Constants, III, Esq. (Carella, Byrne, Baine & Gilfillan, attorneys) to discuss the advertisement. A copy of the advertisement is attached hereto and made a part of this Order.

Respondent described the various services and features of his practice which are referred to in the ad. He testified that he utilizes "electroacupuncture" as a method of relaxing patients preparatory to chiropractic adjustment, with no puncture of the skin by way of acupuncture needles.

The Board finds that the advertising is thus misleading as to the services provided. He also testified that he has an answering machine that records calls at all hours that the office is not open and that he checks the messages at midnight and at 6:00 a.m., but he admitted that the office is not in fact open 24 hours a day ^{as represented in the ad.} ^ The Board finds that this aspect of the ad is untruthful and deceptive. He further testified at length about the ordering of lab tests for obese and diabetic patients, his provision of nutritional advice to such patients and his consultations with diabetologists and endocrinologists concerning them.

It appearing that the parties are desirous of resolving this matter without the necessity of formal proceedings, and it appearing that respondent acknowledges the potentially misleading nature of his advertising and agrees to modify it so as to be accurate, and it further appearing that respondent has read the contents of this Order and understands its effect, and it further appearing that this Order is adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS therefore, on this 8th day of April, 1988, Ordered:

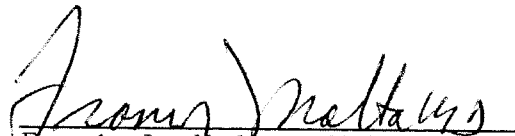
1. Respondent is hereby reprimanded for advertising "24 hour emergency service" since in fact, he does not provide service on a 24-hour basis.

2. Respondent is hereby reprimanded for advertising "electroacupuncture" since he does not treat painful conditions by means of acupuncture but rather just stimulates points on the surface of the patient's body for purposes of relaxation, and the advertising is thus misleading and deceptive.


3. With respect to his provision of "Nutritional Guidance," respondent is cautioned to conduct his practice within the limits of N.J.A.C. 13:35-7.1.

4. Respondent shall cease and desist from the practice of advertising "twenty-four hour service" until such time as he in fact provides such service, and he shall cease and desist from the practice of advertising "electroacupuncture" in the absence of clarifying language to make it clear that such service is for relaxation only.

STATE BOARD OF MEDICAL EXAMINERS


Frank J. Malta, M.D.
President

I have read the within Consent Order and agree to be bound by its terms. I consent to its entry by the State Board of Medical Examiners


Norman Simkins, D.C.